

REMARKS/ARGUMENTS

The Examiner has delineated the following inventions as being patentably distinct:

Group I: Claims 9-14 and 27, drawn to an olefin mixture; and

Group II: Claims 21-26, drawn to surfactant alcohol and methods.

Applicants provisionally elect with traverse the invention of Group I, Claims 9-14 and 27.

The claims of Groups I and II are integrally linked as intermediates and final product (sub-combination and combination).

Restriction is only proper if the claims of the restricted groups are independent or patentably distinct and there would be a serious burden placed on the Examiner if restriction is not required. (M.P.E.P. § 803) The burden of proof is on the Examiner to provide reasons and/or examples to support any conclusions in regard to patentable distinction. Final product and the intermediate thereof, which is critical to the making of the final product, should be examined together. It is a technical relationship that involves the same feature, and it is this technical relationship that defines the contribution which each of the groups taken as a whole make over the prior art.

The Examiner is simply making the assertion that the intermediate Group II finds other uses besides as an intermediate for the product of Group I. However, the Examiner has failed to supply any references or specific examples to support the allegation of other uses for the intermediate.

Different classification of subject matter to be divided is not conclusive proof of independent status and divisibility. Composition and method of making (intermediates) are considered related inventions under 37 C.F.R. § 1.475(b), and unity of invention between the groups exists.

Applicants respectfully traverse on the additional grounds that the Office has not shown that a burden exists in searching the entire application.

Further, M.P.E.P. § 803 states as follows:

If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct and independent inventions.

Applicants submit that a search of all claims would not constitute a serious burden on the Office. In fact the International Search Authority has searched all of the claims together. As the Office has not shown any evidence that restriction should now be required when the International Preliminary Examination report did not, the restriction is believed to be improper.

For the reasons set forth above, Applicants request that the Restriction Requirement be withdrawn.

Applicants request that if the invention of Group I is found allowable, withdrawn Group II (which includes all the limitations of the allowable claims) be rejoined.

Further, Applicants reserve the right to file a divisional application on the non-elected subject matter, if so desired, and be accorded the benefit of the filing date of the parent application.

Applicants respectfully submit that the above identified application is now in condition for examination on the merits, and an early notice of such action is earnestly solicited.

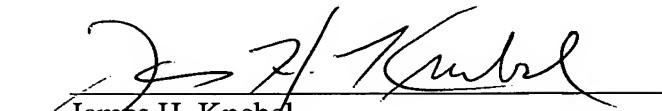
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